

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

TINNUS ENTERPRISES, LLC and ZURU LTD.,

Plaintiffs,

v.

TELEBRANDS CORP. and BULBHEAD.COM,  
LLC,

Defendants.

Case No. 6:16-cv-00033-RWS-JDL  
(Lead Case)

TINNUS ENTERPRISES, LLC and ZURU LTD.,

Plaintiffs,

v.

BED BATH & BEYOND INC., FRY'S  
ELECTRONICS, THE KROGER COMPANY,  
SEARS HOLDING CORPORATION, and  
WALGREENS BOOTS ALLIANCE, INC.,

Defendants.

Case No. 6:16-cv-00034-RWS-JDL  
(Consolidated with Lead Case)

**VERDICT FORM**

In answering these questions, you are to follow all of the instructions given in the Court's charge. As used in this form:

- "Defendants" means Telebrands Corp. ("Telebrands"), Bulbhead.com, LLC ("Bulbhead"), Bed Bath & Beyond Inc. ("Bed Bath"), Fry's Electronics ("Fry's"), The Kroger Company ("Kroger"), Sears Holding Corporation ("Sears"), and Walgreens Boots Alliance, Inc. ("Walgreens");

- “Plaintiffs” means Tinnus Enterprises, LLC and Zuru Ltd.; “Telebrands” means Telebrands and Bulbhead;
- “Retailers” means Bed Bath, Fry’s, Kroger, Sears, and Walgreens;
- “the ’749 patent” means U.S. Patent No. 9,242,749;
- “the ’282 patent” means U.S. Patent No. 9,315,282; and
- “patents-in-suit” means both the ’749 patent and the ’282 patent.

**Question No. 1:**

Did Plaintiffs prove by a preponderance of the evidence that any of the Defendants listed below infringed claim 1 of the ’749 patent? **Answer YES or NO.**

Telebrands	Yes <u>Yes</u>	No _____
Bed Bath	Yes <u>Yes</u>	No _____
Fry’s	Yes <u>Yes</u>	No _____
Kroger	Yes <u>Yes</u>	No _____
Sears	Yes <u>Yes</u>	No _____
Walgreens	Yes <u>Yes</u>	No _____

**Question No. 2:**

Did Defendants prove by clear and convincing evidence that claim 1 of the ’749 patent is invalid? **Answer YES or NO.**

The ’749 patent: Claim 1: No

**Question 3:**

Did Defendants prove by clear and convincing evidence that the following asserted claims of the '282 patent are invalid? **Answer YES or NO.**

The '282 patent:      Claim 1: No      Claim 2: No      Claim 3: No

**Questions 4–5:**

**ANSWER THESE QUESTIONS ONLY IF:**

**A. YOU HAVE FOUND THAT A DEFENDANT INFRINGES CLAIM 1 OF THE '749 PATENT (YES TO QUESTION 1) AND THAT CLAIM 1 OF THE '749 PATENT IS NOT INVALID (NO TO QUESTION 2)**

**OR**

**B. YOU HAVE FOUND THAT AT LEAST ONE CLAIM OF THE '282 PATENT IS NOT INVALID (NO TO QUESTION 3)**

**OTHERWISE, STOP AND DO NOT ANSWER ANY MORE QUESTIONS AND GO TO CONCLUSION OF DELIBERATIONS ON LAST PAGE.**

**Question 4a:**

What lost profits, if any, did Plaintiffs prove by a preponderance of the evidence that Plaintiffs suffered as a result of sales it would, with reasonable probability, have made but for Telebrands's infringement?

**Answer in dollars and cents**

\$ 10.25 Million

**Question 4b:**

What amount, if any, have Plaintiffs proved by a preponderance of the evidence they are entitled to as a reasonable royalty as a result of Telebrands's infringement?

**Answer in dollars and cents**

\$ 2 million

**Question 4c:**

What sum of money do you find from a preponderance of the evidence would fairly and reasonably compensate Plaintiffs for the Retailers' infringement through the time of trial?

**Answer in dollars and cents**

\$ 67,000

**Question 5a:**

Did Plaintiffs prove by a preponderance of the evidence that Telebrands's infringement was willful? Check YES or NO.

Yes Yes No \_\_\_\_\_

**Question 5b:**

Did Plaintiffs prove by a preponderance of the evidence that the Retailers' infringement was willful? Check YES or NO.

Bed Bath	Yes <u>Yes</u>	No _____
Fry's	Yes <u>Yes</u>	No _____
Kroger	Yes <u>Yes</u>	No _____
Sears	Yes <u>Yes</u>	No _____
Walgreens	Yes <u>Yes</u>	No _____

**CONCLUSION OF DELIBERATIONS**

You have now reached the end of the verdict form and should review it to ensure it accurately reflects your unanimous determinations. The jury foreperson should then sign and date the verdict form in the spaces below and notify the Court Security Officer that you have reached a verdict. The jury foreperson should retain possession of the verdict form and bring it when the Jury is brought back into the courtroom.

Signed this 21 day of November, 2017.



**Jury Foreperson**